IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 26669 of 2001

Between:
B.S.Rafeeq S/o.John Saheb
D.No.1/92,Nanasahebpet Punganoor
Punganoor Mandal, Chittoor District

..... PETITIONER

AND

1 A.P. Pollution Control Board
represented by its Member Secretary Second Floor, Huda Complex
Maitrivanam, S.R.Nagar, Hyderabad
2 A.P. Pollution Control Board
Zonal Office, Kurnool, Represented by its Joint Chief Environment Engineer (FAC)
3 Sri Jafarulla Khan
Madina Oil Mills Ltd., D.No.1/91, Nanasahebpet, Punganoor
Punganoor Mandal, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ of order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of MANDAMUS, declaring the orders issued by the Second Respondent herein in this Lr.No.W.P.8875/PCB/ZO/KRNL/2001 dated 16-10-2001 as unjust and illegal and direct the respondents to stop the running of M/s.Madina Oil, Rotar and Flour Mill, No.1/90, 1/91 Nanasahebpet, Punganoor, Punganoor Mandal, Chittoor District, A.P after calling for the records and remarks and to pass such other orders that this Hon'ble Court may deem just to pass.

For the Petitioner :MR.NUTHALAPATI KRISHNA MURTHY,Advocate

For the Respondent No.1&2 : MR.S.V.BHATT, S.C. FOR A.P. POLLUTION CONTROL BOARD

For the Respondent No 3.: MR.O.MANOHER REDDY , Advocate

The Court made the following :

ORAL ORDER (per Hon'ble The Chief Justice)

Petitioner residing in H.No.1/92, Nanasahebpet, Punganoor, Punganoor Mandal, Chittoor District, has grievance in the third respondent running oil and rice mill in the adjoining premises alleging that it is causing noise pollution in residential locality.

We have heard learned counsel for the parties and gone through the record. The Andhra Pradesh Pollution Control Board, had, on 18th December 2000 issued closure order, against which an appeal preferred by the third respondent was dismissed. The case of the third respondent is after the said order, it had complied with the directions of the A.P. Pollution Control Board and in order to carry out inspection that whether or not the third respondent had taken steps to abate noise pollution, the Chief Environmental Engineer of the Board asked the Superintending Engineer, A.P. Transco to restore power supply to the unit of the third respondent for ten days to enable the Board to conduct the environmental pollution monitoring. At that stage, the petitioner approached this court.

In such like matters, it is the A.P. Pollution Control Board, which had to take care of the allegations of environmental pollution and to keep a regular vigil on the industries and take appropriate measures in case the industries would violate the provisions of law. The A.P. Pollution Control Board has necessary authority to issue directions to the industries to comply with its directions and to ensure its compliance. In this case also, we will now direct the A.P. Pollution Control Board to have a fresh inspection carried out of the third respondent unit and act in accordance with the provisions of law so that the third respondent does

not cause any environmental pollution and whatever directions are issued by the Pollution Control Board, they will be complied with by the 3rd respondent, subject of course, to the right to challenge in the appeal and it will be within the competence of the Pollution Control Board to take punitive action against the third respondent in case it does not comply with its directions.

Accordingly, the writ petition is disposed of.

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DEVINDER GUPTA, C.J.

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G. ROHINI, J.

Dated: 07-07-2004

Kvrk

To

1 Member Secretary, A.P. Pollution Control Board
Second Floor, Huda Complex, Maitrivanam S.R.Nagar, Hyderabad

2 Joint Chief Environment Engineer(FAC), A.P. Pollution Control Board
Zonal Office, Kurnool

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